

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF NEW YORK**

MULHERN GAS CO., INC., et al.,

Plaintiffs,

v.

WALTER T. MOSLEY, in his official capacity as New York Secretary of State,

Defendant.

Case No. 1:23-cv-01267 (GTS/CFH)

**STIPULATION AND [PROPOSED]
ORDER DEFERRING RULE 26(A)(1)
INITIAL DISCLOSURES**

STIPULATION

In this matter, Plaintiffs challenge the facial validity of certain New York statutory provisions. Because the parties do not anticipate that this case will involve fact issues requiring discovery, the parties agree that exchanging initial disclosures as scheduled would not advance the resolution of this matter and therefore would present an unnecessary burden.

For these reasons, and at the parties' request, the Court previously suspended the requirement to serve initial disclosures under Federal Rule of Civil Procedure 26(a)(1). Dkt. 17. The Court's September 12, 2024 notice of conference calls for initial disclosures to be exchanged by October 2, 2024. Dkt. 30.

Because the parties still do not anticipate that this case will involve fact issues requiring discovery, the parties jointly stipulate and request that the Court order as follows:

1. The requirement to serve initial disclosures under Rule 26(a)(1) is suspended.
2. If any of the following events occur, the requirement will be reinstated and the parties must exchange initial disclosures within 30 days, unless the Court sets a different time:
 - a. the parties agree to exchange initial disclosures;
 - b. the Court determines under Rule 56(d) that discovery is necessary to resolve an

issue presented in a summary judgment motion; or

- c. the Court otherwise orders the parties to exchange initial disclosures.

Dated: September 18, 2024

/s/ Sarah O. Jorgensen

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Attorneys for Plaintiffs

IT IS SO ORDERED.

Dated: _____

Respectfully submitted,

/s/ Gavin G. McCabe (as authorized)

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Hon. Christian F. Hummel
U.S. Magistrate Judge